

United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 PAREN HASMUKHBHAI PATEL,) No. C 13-03747 EJD (PR)
12 Plaintiff,) ORDER OF DISMISSAL
13 v.)
14 THOMAS MADRID,)
15 Defendant.)
16 _____) (Docket No. 50)

18 Plaintiff, a California prisoner proceeding pro se, filed the instant civil rights
19 action pursuant to 42 U.S.C. § 1983 against officials of the Salinas Valley State Prison
20 (“SVSP”). The Court found that the amended complaint, liberally construed, stated a
21 cognizable claim of excessive force against Defendant Thomas Madrid.¹ On December
22 16, 2014, pursuant to Defendant’s request, this Court referred this case to Judge Vadas
23 for settlement proceedings. (Docket No. 39.) On March 31, 2015, Judge Vadas entered
24 an order notifying the Court that “[t]he case has been completely settled” and that a
25 further telephonic status conference would be held. (Docket No. 45.) On April 7, 2015,
26

27 ¹In accordance with Plaintiff’s wishes, the Court dismissed Defendant Randy
28 Grounds from this action, and all claims against him were stricken from the
complaint. (Docket No. 12.)

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1 the Court received a copy of a “Stipulation for Voluntary Dismissal with Prejudice”
2 pursuant to Fed. R. Civ. P. 41(a)(1) signed by both parties. The signed stipulation states:

3 Plaintiff Paren Hasmukhbhai Patel and Defendant Madrid have resolved this
4 case in its entirety. Therefore, the parties stipulate to a dismissal of this action
with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

5 Each party shall bear its own litigation costs and attorney’s fees.

6 (Docket No. 46 at 2.) The Court will retain jurisdiction to enforce the parties’
7 settlement.

8 Accordingly, having been notified of the settlement, IT IS HEREBY ORDERED
9 THAT this action and all claims asserted herein against defendants are DISMISSED
10 WITH PREJUDICE. The Clerk shall close the file.

11 Although the case is closed, the Court still retains jurisdiction to enforce the
12 parties’ settlement. Plaintiff has requested a status conference so that he may learn the
13 status of the settlement. (Docket No. 50.) Plaintiff’s request is DENIED. However, the
14 Court orders that Defendants file a status report detailing the status of the settlement
15 agreement by **July 24, 2015**.

16
17 DATED: 7/10/2015


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PAREN HASMUKHBHAI PATEL,

Case Number CV 13-03747 EJD (PR)

Plaintiff,

v.

CERTIFICATE OF SERVICE

THOMAS MADRID,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/10/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s)hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) inter-office delivery receptacle located in the Clerk's office.

Paren Hasmukhbhai Patel
P-99858
Salinas Valley State Prison
P. O. Box 1050
Soledad, CA 93960

DATED: 7/10/2015

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk